

## Chapter MPSW 1

### AUTHORITY AND PRACTICE

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**Note:** Chapter SFC 1 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 1 was renumbered ch. MPSW 1 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562.

**MPSW 1.01 Authority.** This chapter is adopted pursuant to ss. 15.08 (5) (b), 15.405 (7c) (d) and 227.11 (2), Stats.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93.

**MPSW 1.02 Definitions.** In chs. MPSW 1 to 6, 8, and 10 to 20:

(1) "Board" means the marriage and family therapy, professional counseling, and social work examining board.

(1q) "Credential" means a certificate or a license granted by the board.

(2) "Department" means the department of regulation and licensing.

(2m) "Psychotherapy" means the diagnosis and treatment of mental, emotional, or behavioral disorders, conditions, or addictions through the application of methods derived from established psychological or systemic principles for the purpose of assisting people in modifying their behaviors, cognitions, emotions, and other personal characteristics, which may include the purpose of understanding unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

(3) "Section" means either the marriage and family therapist section, the professional counselor section, or the social worker section of the marriage and family therapy, professional counseling and social work examining board.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; am. (intro.), Register, May, 1999, No. 521, eff. 6-1-99; CR 02-105: am. (intro.), (1), (3), cr. (1q), (2m), Register October 2002 No. 562, eff. 11-1-02.

**MPSW 1.03 Rule-making.** (1) **PROCEDURE.** The board may approve and adopt rules proposed by any section of the board.

(2) **RULES COMMITTEE.** (a) *Composition.* The rules committee of the board is composed of one professional member from each section, and the 3 public members.

(b) *Authority and responsibility.* Except for final approval under sub. (1), each section shall be responsible for proposing and drafting rules applying to its profession, and for holding public hearings on those rules. The rules committee shall review all rule changes proposed and drafted by the sections prior to final approval by the board.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 01-152: am. (2) Register January 2003 No. 565, eff. 2-1-03.

**MPSW 1.04 Application procedures for all sections of the board.** (1) An application for certification is incomplete until all materials requested are received by the board office, in English or accompanied by a certified English translation.

(2) An applicant for any credential under ch. 457, Stats., shall make application on forms prescribed by both the examination provider for the examination for the credential for which the applicant is applying and the board. The applicant may not sit for an examination unless the applicant meets the requirements of both the examination provider and the interested section of the board.

(a) The forms prescribed by the examination provider shall be supplied to the applicant by the department, but must be returned to the examination provider at least 60 days prior to the examination date for which the applicant is applying.

(b) The forms prescribed by the board shall be provided to the applicant by the department, and must be returned to the board office at least 60 days prior to the examination date for which the applicant is applying.

**Note:** The board's mailing address is Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, Department of Regulation and Licensing, P.O. Box 8935, Madison, Wisconsin 53708-8935.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am. (2), Register October 2002 No. 562, eff. 11-1-02.

**MPSW 1.05 Examination provisions for all sections.** (1) The board or its designee shall administer the examinations required of applicants for certification as a social worker, advanced practice social worker, or independent social worker, or for licensure as a clinical social worker, marriage and family therapist or professional counselor at least once a year.

(3) The examination process consists of a 2 part examination. Part I is an examination pertaining to the profession; part II is an examination on provisions of the Wisconsin Statutes and Administrative Code that pertain to the profession. Parts I and II of the examination administered under this chapter test entry level competency in the practice area for which the credential is sought. Parts I and II of the examination seek to determine that an applicant's knowledge is sufficient to protect public health, safety and welfare.

(5) The board may deny release of grades or issuance of a credential if the board determines that the applicant violated rules of conduct or otherwise acted dishonestly.

(6) Applicants shall pass each part of the examination. An applicant who fails either part I or part II of the examination shall retake that part of the examination. The passing grade on each part of the examination is determined by the board to represent competence sufficient to protect the public health, safety and welfare. The board may adopt the recommended passing score of the examination provider for part I of the examination.

(7) An applicant for certification as a social worker, advanced practice social worker, or independent social worker or for licensure as a clinical social worker, need not take part II of the examination if within the 5 years preceding the date of application, the applicant took and passed part II in the process of applying for and receiving another social worker credential from the section.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; r. (2) and (4), Register, October, 1998, No. 514, eff. 11-1-98; CR 01-064: cr. (7), Register December 2001 No. 552, eff. 1-1-02; CR 02-105: am. (1), (5) and (7), Register October 2002 No. 562, eff. 11-1-02.

**MPSW 1.06 Examination review procedure for all sections of the board.** An applicant who fails an examination may request a review of the examination, as permitted by the examination provider. If a review is permitted, the following conditions apply:

(1) The applicant shall file a written request to the board within 30 days of the date on which examination results were mailed and pay the fee under s. RL 4.05.

(2) Examination reviews are by appointment only, and shall be limited to the time permitted by the examination provider for part I of the examination and 1 hour for part II of the examination.

(3) Reviews shall be conducted prior to the application deadline date for the next examination for the particular certificate category.

(4) An applicant may review part I of the examination only once.

(5) Part II of the examination may be reviewed by telephone. During a telephone review an applicant shall be provided with the statute or administrative code reference number and the topic of the test questions the applicant failed.

(6) An applicant may not be accompanied during the review by any person other than the proctors.

(7) Bound reference books shall be permitted. Applicants may not remove any notes from the area. Notes shall be retained by the proctor and made available to the applicant for use at a hearing, if desired. The proctor shall not defend the examination nor attempt to refute claims of error during the review.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93.

**MPSW 1.07 Claims of examination error.** An applicant for any credential issued by the board who claims an error in the examination may file a written request for board review in the board office within 30 days of the date the examination was reviewed. The board shall review the claim and notify the applicant in writing of the board's decision and any resulting grade changes. Claims of examination error which are not filed within 30 days of an examination review shall be denied. The request shall include:

(1) The applicant's name and address.

(2) The type of credential applied for.

(3) A description of the perceived error, including specific questions or procedures claimed to be in error.

(4) The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am. (intro.) and (2), Register October 2002 No. 562, eff. 11-1-02.

**MPSW 1.08 Credential renewal procedures for all sections of the board.** (1) Each person granted a credential under ch. 457, Stats., is certified or licensed for the current period only. To renew certification or licensure, a credential holder shall by July 1 of the odd-numbered year following initial certification or licensure and every 2 years thereafter file with the board an application for renewal on a form prescribed by the board, and submit the fee under s. 440.08 (2), Stats.

(2) A credential holder who fails to renew certification or licensure shall cease and desist from practice and from use of the professional title. Within 5 years following the renewal date, a credential holder may renew the expired credential without examination by filing the required renewal application, the renewal fee, and the late renewal fee under s. 440.08 (3), Stats. A credential holder who fails to renew certification or licensure within 5 years of the renewal date may be reinstated by complying with the requirements for obtaining initial certification or licensure, including educational and examination requirements which apply at the time application is made.

(3) An applicant for reinstatement of certification or licensure following disciplinary action shall meet requirements in sub. (1) and may be required to successfully complete an examination as the board prescribes. An applicant who applies for reinstatement more than 5 years after the date of the order imposing discipline against the applicant may be reinstated by complying with the

requirements for obtaining initial certification or licensure, including educational and examination requirements which apply at the time the application for reinstatement is made.

(4) The credential and certificate of biennial certification or licensure shall be displayed in a prominent place by each person while certified or licensed by the board.

(5) Every credential holder shall notify the department, in writing, of a change of name or address within 30 days of the change.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am., Register October 2002 No. 562, eff. 11-1-02.

**MPSW 1.09 Alcohol and drug counseling.** A person credentialed by the board may use the title "alcohol and drug counselor" or "chemical dependency counselor" only if he or she is certified as an alcohol and drug counselor or as a chemical dependency counselor through a process recognized by the department of health and family services. A person credentialed by the board may treat alcohol or substance dependency or abuse as a specialty only if he or she is certified as a substance abuse counselor under s. HFS 75.02 (84).

**History:** CR 02-105: cr. Register October 2002 No. 562, eff. 11-1-02.

#### **MPSW 1.10 Professional liability insurance.**

(1) Except as provided in sub. (2), a person licensed as a clinical social worker, marriage and family therapist, or professional counselor may not practice clinical social work, marriage and family therapy, or professional counseling unless he or she has in effect professional liability insurance in the amount of at least \$1,000,000 for each occurrence and \$3,000,000 for all occurrences in one year.

(2) Subsection (1) does not apply to a person practicing clinical social work, marriage and family therapy, or professional counseling as an employee of a federal, state, or local governmental agency, if the practice is part of the duties for which he or she is employed and is solely within the confines of or under the jurisdiction of the agency by which he or she is employed.

**History:** CR 02-105: cr. Register October 2002 No. 562, eff. 11-1-02.

**MPSW 1.11 Psychometric testing.** (1) A psychometric test is a measurement procedure for assessing psychological characteristics in which a sample of an examinee's behavior is obtained and subsequently evaluated and scored using a standardized process. The term does not apply to unstandardized questionnaires and unstructured behavior samples or to teacher- or trainer-made tests used to evaluate performance in education or training.

(2) The competent and responsible use of a psychometric test requires a combination of knowledge, skills, abilities, training, and experience, and the test results must be viewed within the broader context of a psychological assessment or a psychosocial evaluation.

(3) Psychometric testing is restricted to psychologists and persons acting under the supervision of a psychologist, and to licensed marriage and family therapists, licensed professional counselors, and licensed clinical social workers. A licensee of the board may engage in psychometric testing only if the appropriate section of the board has received and approved the following information demonstrating generic and specific qualifications to perform psychometric testing:

(a) Academic training at the graduate or postgraduate level that covered:

1. Descriptive statistics.
2. Reliability and measurement error.
3. Validity and meaning of test scores.
4. Normative interpretation of test scores.
5. Selection of appropriate tests.
6. Test administration procedures.
7. Ethnic, racial, cultural, gender, age and linguistic variables.

8. Testing individuals with disabilities.

(b) An affidavit from a professional qualified to supervise psychometric testing that the individual licensee has acquired supervised experience and acquired specific qualifications for the responsible selection, administration, scoring and interpretation of one or more particular psychometric tests, including, if appropriate, use of the test(s) in particular settings or for specific purposes. Particular settings include an employment context, an educational context, a career and vocational counseling context, a health care context, or a forensic context. Specific purposes include classification, description, prediction, intervention plan-

ning, tracking, training and supervision.

**(4)** The only professionals qualified to supervise psychometric testing are licensed psychologists who have the education, training and experience to select, administer, score and interpret specific tests.

**(5)** A person credentialed by the board may not use a testing instrument for diagnostic purposes unless he or she satisfies the requirements in sub. (3) (a) and (b), but may use a test for screening or referral purposes if he or she satisfies sub. (3) (b).

**History:** CR 02–105: cr. Register October 2002 No. 562, eff. 11–1–02.